THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.2364 OF 2007

O R D E R (Per the Hon'ble Smt. Justice T.Meena Kumari)

Heard both the counsel.

2. The respondent was serving as Assistant Conservator of Forest and the disciplinary authority framed charges against him on the allegation of dereliction of duty through memo dated 8.8.2002 and after the submission of enquiry report and considering the final explanation submitted by the respondent on 21.1.2004 the impugned orders dated 12.7.2006 were passed by the Chief Conservator of Forests, Hyderabad awarding punishment of reversion to the lower post of Forest Range Officer. The grievance of the petitioner is that though the disciplinary authority through its proceedings No.28440/02/K-3 dated 29.8.2004 has suggested the punishment of withholding of three annual grade increments with cumulative effect, without having its effect on pension, the 1st petitioner - the Principal Chief Conservator of Forests, Hyderabad –by abdicating his power and following the advise of the Vigilance Commission, which is the appellate authority, awarded the punishment of reversion to the lower post. The Tribunal in O.A.No.5517/2006 dated 8.12.2006 has set aside the impugned orders of reversion dated 12.7.2006 and permitted the disciplinary authority to impose appropriate punishment based on its independent decision. Challenging the orders of the Tribunal, the Government filed the present writ petition.

3. When the matter came up for hearing, the learned counsel appearing for the respondent submitted that the respondent is at the fag end of his service and is due to retire on 31.05.2008 and that he is willing to accept the punishment originally proposed by the disciplinary

authority i.e., withholding of three annual grade increments with cumulative effect without having its effect on pension, and to this effect he has filed the additional affidavit of the respondent.

4. In view of the above facts and circumstances, the additional affidavit filed by the respondent is accepted and the matter is remanded to the respondents to consider the case of the respondent in the light of his additional affidavit filed before this court and pass appropriate orders.

5. The writ petition is accordingly disposed of. No costs.

T.MEENA KUMARI,J

G.CHANDRAIAH,J

AVS
DATE:24.09.2007